

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHRISTIAN RODRIGUEZ,

Plaintiff,

vs.

C. CROW, and D. ALLEN,

Defendants.

Case No.: 3:20-CV-001666-RCJ-WGC

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE
(ECF NO. 13)

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 13¹) entered on August 24, 2020, recommending that the Court grant Plaintiff's Application to Proceed *In Forma Pauperis* (ECF No. 11). No objection to the Report and Recommendation has been filed.

This action was referred to Magistrate Judge Cobb under 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2.

¹ Refers to Court's docket number.

1 **IT IS HEREBY ORDERED** that Magistrate Judge Cobb's Report and Recommendation
2 (ECF No. 13) is **ADOPTED and ACCEPTED**.

3 **IT IS FURTHER ORDERED** that Plaintiff's IFP application (ECF No. 11) is
4 **GRANTED**.

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6 **IT IS FURTHER ORDERED that 30 days** from the date of this Order adopting the
7 Report and Recommendation, Plaintiff shall pay, through NDOC, an initial partial filing fee in
8 the amount of \$29.50. Thereafter, whenever his prison account exceeds \$10, he is required to
9 make monthly payments in the amount of 20 percent of the preceding month's income credited
10 to his account until the full \$350 filing fee is paid. This is required even if the action is dismissed
11 or is otherwise unsuccessful.

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13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **SEND** a copy of this
14 Order to the attention of **Chief of Inmate Services for the Nevada Department of Corrections**,
15 P.O. Box 7011, Carson City, Nevada 17 89702.

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17 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **FILE** the Complaint
18 (ECF No. 1-1).

19 **IT IS FURTHER ORDERED** to the extent Plaintiff asks for his sentence to be vacated
20 as a result of the alleged constitutional violations, the claims shall be **DISMISSED WITHOUT**
21 **PREJUDICE**.

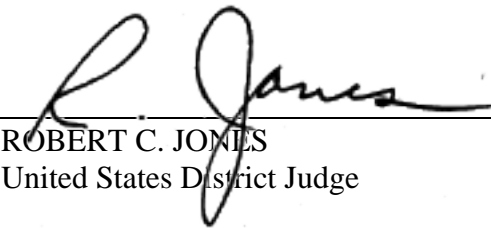
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23 **IT IS FURTHER ORDERED** the remainder of the Complaint is **DISMISSED WITH**
24 **LEAVE TO AMEND**.

25 **IT IS FURTHER ORDERED** Plaintiff shall file an Amended Complaint within **30**
26 **DAYS** from the date of this order adopting this Report and Recommendation correcting the
27 deficiencies noted in the Report and Recommendation. The amended complaint must be
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1 complete in and of itself without referring or incorporating by reference any previous complaint.
2 Any allegations, parties, or requests for relief from a prior complaint that are not carried
3 forwarded in the amended complaint will no longer be before the court. Plaintiff shall clearly title
4 the amended pleading as "AMENDED COMPLAINT." If Plaintiff fails to file an amended
5 Complaint within 30 days from entry of this order of the action shall be dismissed.
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7 **IT IS SO ORDERED.**

8 Dated this 21st day of September, 2020.

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12 ROBERT C. JONES
13 United States District Judge
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